

Erica Michaels
<michaels@amwa.net>
03/24/2003 04:19 PM

To: Group Ow-Docket@EPA
cc: Diane Van DeHei <vandehei@amwa.net>
Subject: Attention Docket ID No. OW-2003-0013

The following was submitted via mail on March 24, 2003.

March 24, 2003

Water Docket
Environmental Protection Agency
EPA West, Room B102
1301 Constitution Ave. NW
Washington, DC 20460
Attn: Docket ID No. OW-2003-0013

Re: Information Collection Request (ICR) for Title IV of the Public
Health Security and Bioterrorism Preparedness and Response Act of 2002

Dear Comment Clerk:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on the "Information Collection Request for Title IV of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Drinking Water Security and Safety". As directors and managers of the nation's largest drinking water systems collectively serving over 110 million people, AMWA members are the first to be affected by the requirements in the ICR.

AMWA is concerned about language contained in the ICR document, specifically language that states that EPA will conduct "compliance reviews" of water systems' vulnerability assessments (VAs). The Bioterrorism Act only requires water systems to provide certification to the Administrator and says nothing about a "compliance review." AMWA also believes that the burden assessments for completing the emergency response plans are low, particularly for large public water systems.

If you have questions on the attached comments, please do not hesitate to contact me or Erica Michaels on AMWA's staff at the number above or via email at: michaels@amwa.net.

Sincerely,

Diane VanDe Hei
Executive Director

Cc: Cynthia Dougherty

Information Collection Request (ICR) for Title IV of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002

March 24, 2003

Introduction

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on EPA's ICR for the Bioterrorism Preparedness and Response Act of 2002. AMWA was formed in 1981 by the general managers of the nation's largest drinking water suppliers to represent them before Congress and federal agencies. Collectively, AMWA member agencies serve over 110 million Americans.

Comments

1. On page 1 of the ICR, a sentence reads, "EPA will also conduct compliance reviews of submitted vulnerability assessments."

The Bioterrorism Act only requires water systems provide certification to the Administrator and says nothing about a "compliance review." This sentence is vague, offers no explanation and is a cause of concern for AMWA.

In the previous paragraph, it states that EPA will review the items required to be submitted by CWSs, including certification of completion of vulnerability assessments (VAs) and emergency response plans and a copy of the system's VA. Certification to EPA that the VA includes all items outlined in the Bioterrorism Act ("...a review of pipes and constructed conveyances, physical barriers, water collection, pretreatment, treatment, storage and distribution facilities, electronic, computer or other automated systems which are utilized by the public water system, the use, storage or handling of various chemicals, and the operation and maintenance of such system) is all that is required by the law. EPA states on page 15 of the ICR that it will review "a statistically representative sample of the submitted VAs to ensure all these applicable requirements are being met". Again, the sentence referring to a compliance review is not defined and is a cause for concern to AMWA.

2. On page 2 of the ICR document, the average annual cost and burden CWSs will incur has been calculated over a three-year period. AMWA believes this is misleading in part because the ICR timeframe will only last two years for all CWS systems (with the certification that CWSs prepared or revised an ERP 12/31/2003). Furthermore, all large systems (systems serving more than 100,000 persons) will incur all of their costs in less than 18 months, given the deadline to request financial grants from EPA was April 2002, the deadline for submission of VAs is March 31, 2003 and the deadline for certifying the completion or revision of ERPs is September 30, 2003.

Exhibit B.4 in the ICR illustrates this discrepancy by having no information in any of the columns marked "2005". Additionally, the columns "CWS Capital Cost by Year" have not been calculated, these columns are blank.

For example, the total labor burden estimated for all CWSs is 7,957,175 hours, and \$469,374,462. Averaging these costs over two years instead of three would result in an annual burden of one and a half times the average reported (3,978,587 hours and \$234,687,231, respectively).

3. According to the estimates of Exhibit B.4, large systems will incur a burden of 1,984,454 hours and \$117,728,547 in 2003 for completing their VAs.

EPA also estimates large systems will incur a total burden of 53,267 hours and \$3,136,083 to complete or revise their ERPs. This expense will occur only in 2003 since the deadline to complete the VAs and ERPs for large systems is March 31 and September 30, 2003, respectively. AMWA agrees that the estimates for developing and certifying the VAs is reasonable, however AMWA believes EPA's estimates of the cost of an ERP is low.

4. On page 12 of the report, EPA estimates that large systems will spend 120 hours at a labor rate of \$58.88 to revise their ERP, for a total of \$7065. AMWA believes this estimate is low because many systems most likely will have to extensively revise or add to their ERP to address a potential terrorist attack, when in the past this was likely not a component of the ERP. Further, many large systems will be hiring consultants to assist them with their VAs and ERPs at additional expense.

For example, AMWA knows of one large utility serving 1.3 million people that is estimating it will take 400 hours to revise their ERP. At a cost of \$58.88/hr, the total cost for the ERP would be \$23,552. In addition, the utility expects to spend approximately \$49,000 in consultant fees for a total ERP cost of \$72,552, a figure 10 times EPA's calculation of \$7065.

In addition, some systems may not have had an ERP at all and developing one will take considerable time. EPA has estimated that the time required for systems to develop a new ERP is 255 hours; AMWA believes this number is also too low.

5. The review time to provide comments to EPA on this ICR was, in AMWA's opinion, too short. Additional time would have allowed us to consult with more of our members for additional input. With a longer comment period, AMWA would have been able to consult with our members to obtain more examples of costs and burdens incurred.